

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

HARVEY L. JACKSON, )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) CIVIL ACTION NO. 2:05cv57-T  
                        )  
DR. MILLARD McWHORTER, *et al.*,   )  
                        )  
Defendants.           )

**ORDER**

On June 2, 2005, the Magistrate Judge filed a Recommendation in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge which is hereby adopted, it is

ORDERED and ADJUDGED that this case be and is hereby DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to exhaust an available administrative remedy.

DONE, this the 3rd day of August, 2005.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE